

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

LEROY HAYES

V.

SUMMONS IN A CIVIL ACTION

CITY OF NEW YORK, MARTIN HORN,  
CAROLYN THOMAS, et al.

CASE NUMBER:

**07 CIV 9807**

TO: (Name and address of Defendant)

**Judge Hellerstein**

Warden Michael Hourihane  
Department of Corrections  
60 Hudson Street  
New York, New York 10013

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Lisa A. Cahill, Esq.  
Hughes Hubbard & Reed LLP  
One Battery Park Plaza  
New York, New York 10004  
212-837-6000

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

**NOV 05 2007**

CLERK

*Mano Quintero*

DATE

(By) DEPUTY CLERK

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| <b>RETURN OF SERVICE</b>  |          |              |
|---|----------|--------------|
| Service of the Summons and complaint was made by me <sup>(1)</sup>  | DATE     |              |
| NAME OF SERVER (PRINT)  | TITLE    |              |
| <i>Check one box below to indicate appropriate method of service</i>  |          |              |
| <div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.<br/>           Name of person with whom the summons and complaint were left:         </div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div><input type="checkbox"/> Other (specify):</div> |          |              |
| <b>STATEMENT OF SERVICE FEES</b>  |          |              |
| TRAVEL  | SERVICES | TOTAL \$0.00 |
| <b>DECLARATION OF SERVER</b>  |          |              |
| <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____<br/> <div style="display: flex; justify-content: space-around; width: 100%;"> <span>Date</span> <span>Signature of Server</span> </div> <br/> <div style="text-align: center; margin-top: 20px;">           _____<br/>           Address of Server         </div> </p>   |          |              |

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure